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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/818,158	03/14/1997	GREGORY P. ANDREWS	RO996-141	9157
26517 7590 12/05/2007 WOOD, HERRON & EVANS, L.L.P. (IBM) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER VU, THONG H	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

08/818,158

Applicant(s)

ANDREWS ET AL.

Examiner

Thong H. Vu

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-62 and 65-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-62, 65-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)


- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

1. Claims 38-62,65-75 are pending. Claims 1-37,63-64 are cancelled.
2. In view of the Pre-Appeal Brief Request filed on 2/02/07, PROSECUTION IS HEREBY REOPENED.
The New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


JAY K. PATEL
SUPERVISORY PATENT EXAMINER

Response to Arguments

3. Applicant's arguments, see pages 12, filed 6/24/05, with respect to Bobo-Daniels/Klug have been fully considered and are persuasive. The Final Rejection of claims 38-62,65-75 has been withdrawn.

Claim Rejections - 35 USC § 102

Claims 38-62,65-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Murata et al [Murata 6,029,180].

4. As per claim 38, Murata discloses an apparatus comprising:
at least one processor; a memory coupled to the at least one processor [Murata, a information apparatus, a server, col 35-65]; and
a computer program residing in the memory, said computer program commencing to download a file referencing a plurality of components (e.g. a HTML file), said computer program dynamically prompting (e.g. dialog box) a user to select which of said plurality of components to download [Murata, Fig 20A, read /access the HTML file, reference components or HREF, col 6 lines 19-67; col 8 lines 19-48; dialog box, col 15 lines 6-40]
5. As per claim 39, Murata discloses said computer program comprises a web browser application [Murata, browser, col 1 line 13].
6. As per claim 40, Murata discloses said file comprises a hypertext markup language (HTML) document [Murata, HTML, col 6 lines 19-67].
7. As per claim 41, Murata discloses said computer program includes a component download selection mechanism, said component download selection mechanism dynamically creating a component download selection list when said file with said plurality of components is downloaded [Murata, a creator of the HTML file, col 6 lines 9-18].
8. As per claim 42, Murata discloses a web browser and wherein said component download selection list is formed in a second pane of said web browser and displayed with said file [Murata, browser, col 1 line 13].

9. As per claim 43, Murata discloses said component download selection list is formed in a dialog box [Murata, a menu with dialog box, col 15 lines 6-40].
10. As per claim 44, Murata discloses the component download list is inserted into said file and displayed to a user with said file [Murata, a HTML file with reference link or URL, col 12 lines 6-38].
11. As per claim 45, Murata discloses said component download selection list contains the file name for each of said plurality of components [Murata, a HTML file, col 12 lines 6-38].
12. As per claim 46, Murata discloses said component download selection list contains the type for each said plurality of components [Murata, data type, col 17 lines 36-46].
13. As per claim 47, Murata discloses said component download selection list contains the size of each said plurality of components [Murata, the size of homepage, col 13 line 55].
14. Claim 50 contains the identical limitations set forth of apparatus claim 38.
Therefore, claim 50 is rejected for the similar rationale set forth in claim 38.
15. Claims 51-57 contain the identical limitations set forth of apparatus claims 40-47.
Therefore, claims 51-57 are rejected for the similar rationale set forth in claims 40-47.
16. As per claim 61, Murata discloses a program product comprising:
(A) a computer program, said computer program commencing to download a

tile referencing a plurality of components, said computer program dynamically prompting a user to select which of said plurality of components to download [Murata, Fig 5, read out the HTML file, reference components or HREF, col 6 lines 19-67]; and

(B) a computer readable medium upon which said download selection mechanism is tangibly embodied [Murata, read/ access the HTML, VRML file, col 8 lines 19-48].

17. Claims 62,65-70 contain the identical limitations set forth of apparatus claims 39-41,43-47. Therefore, claims 62,65-70 are rejected for the similar rationale set forth in claims 39-41,43-47.

18. As per claim 48, Murata discloses said component download selection list includes a status item, said status item dynamically displaying the amount of each of said plurality of components that has been downloaded [Murata, the access status, col 14 lines 1-5].

19. As per claim 49, Murata discloses said status item includes the percentage of a component downloaded [Murata, the access status, col 14 lines 1-5].

20. Claims 58-59,71-72 contain the identical limitations set forth of apparatus claims 48-49. Therefore, claims 58-59,71-72 are rejected for the similar rationale set forth in claims 48-49.

21. As per claim 73, Murata discloses An apparatus comprising:
at least one processor; a memory coupled to the at least one processor [Murata, a information apparatus, a server, col 35-65]; and

a web browser application residing in the memory, said web browser application including a component download selection mechanism, said component download selection mechanism dynamically creating a component download selection list when an HTML document with a plurality of components is downloaded, said component download selection mechanism prompting a user to select which of said plurality of components to download [Murata, Fig 20A, read /access the HTML file, reference components or HREF, col 6 lines 19-67; col 8 lines 19-48].

22. As per claim 74, Murata discloses A method for downloading HTML document from a web server to a web browser [Murata, web browser, HTML, col 1 line 10-35], the document including a document with references to a plurality of embedded components, the method comprising the steps of:

a) requesting said HTML document from said web server [Murata, a server, col 35-65];

b) parsing said HTML document for references to said plurality of embedded components [Murata, HTML file with href, col 6 lines 9-67, Fig 7];

c) prompting a user to select which of said plurality of embedded components to download by displaying a component download selection list on said web browser [Murata, menu and selection, col 15 lines 6-40] and

d) requesting from said web server said selected embedded components [Murata, select icon, Fig 17-18].

23. As per claim 75, Murata discloses An apparatus comprising:

at least one processor, a memory coupled to the at least one processor [Murata, a server, col 35-65]; and

a computer program residing in the memory, said computer program commencing to download a file referencing a plurality of components, said computer program dynamically prompting a user to select which of said plurality of components to download, wherein the computer program is further configured to receive user input that selects at least one of the plurality of components, to commence to download at least one selected component from the plurality of components, and to display the file with the selected component embedded therein [Murata, Fig 20A, read/access the HTML file, reference components or HREF, col 6 lines 19-67; menu and selection, col 15 lines 6-40].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jay Patel* can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER

